

**IN THE CIRCUIT COURT OF FAYETTE COUNTY, TENNESSEE
FOR THE TWENTY-FIFTH JUDICIAL DISTRICT AT SOMERVILLE**

KEVIN ANDERSON, and
JAMIE ANDERSON,

Plaintiffs,

v.

No. 17-CV-20
(Jury Demanded)

EUGENE JOHNSON a/k/a
GENE JOHNSON a/k/a
OLLIE JOHNSON,
JEFFERY JOHNSON,
JACKIE JOHNSON,
each individually and jointly and severally d/b/a
S.O.H. VENDING AND CATERING,
S.O.H. AND JOHNSON SERVICE,
and S.O.H.,
S.O.H. VENDING AND CATERING,
S.O.H. AND JOHNSON SERVICE,
S.O.H.,
JOHN DOE, and
XYZ CORPORATION,

Defendants.

COMPLAINT

COME NOW, the Plaintiffs, Kevin and Jamie Anderson, and for cause of action against Defendants Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson, Jeffery Johnson, Jackie Johnson and John Doe, each individually and jointly and severally d/b/a S.O.H. Vending and Catering, S.O.H. and Johnson Service, and

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CIRCUIT COURT

AT Madison M.

APR - 6 2017

FAYETTE COUNTY, TN
ED PULLIAM, CLERK

BY: [Signature]

EXHIBIT

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S.O.H., S.O.H. Vending and Catering, S.O.H. and Johnson Service, S.O.H., John Doe, and XYZ Corporation, do hereby allege:

JURISDICTION AND VENUE

1. Plaintiff, Kevin Anderson, is a resident of Fayette County, Tennessee.
2. Plaintiff, Jamie Anderson, is a resident of Fayette County, Tennessee.
3. Defendant Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson is a resident of Fayette County, Tennessee, residing at 175 Kylie Gayle Rd., Oakland, TN 38060. Mr. Johnson is being sued individually and for doing business as the owner, operator, partner, manager, member, financial backer and/or employee of S.O.H. Vending and Catering and/or S.O.H. and Johnson Service and/or S.O.H. and/or XYZ Corporation.
4. Defendant Jeffery Johnson is a resident of Somerville, Fayette County, Tennessee, residing at 80 Woodbridge Cv., Somerville, TN 38068. Mr. Johnson is being sued individually and for doing business as the owner, operator, partner, manager, member, financial backer and/or employee of S.O.H. Vending and Catering and/or S.O.H. and Johnson Service and/or S.O.H. and/or XYZ Corporation.
5. Defendant Jackie Johnson is a resident of Memphis, Shelby County, Tennessee, residing at 4663 Narcissus Dr., Memphis, TN 38135. Jackie Johnson is being sued individually and doing business as the owner, operator, partner,

manager, member, financial backer and/or employee of S.O.H. Vending and Catering and/or S.O.H. and Johnson Service and/or S.O.H. and/or XYZ Corporation.

6. S.O.H. Vending and Catering is a Tennessee barbecue competition and catering business with its principal place of business in Oakland, Fayette County, Tennessee, located at 175 Kylie Gayle Rd., Oakland, TN 38060. Upon information and belief, S.O.H. Vending and Catering is owned, operated, maintained, funded and/or managed by Defendants Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson, Jeffery Johnson, Jackie Johnson and John Doe.

7. S.O.H. and Johnson Service is a Tennessee barbecue competition and catering business with its principal place of business in Oakland, Fayette County, Tennessee, located at 175 Kylie Gayle Rd., Oakland, TN 38060. Upon information and belief, S.O.H. and Johnson Service is owned, operated, maintained, funded and/or managed by Defendants Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson, Jeffery Johnson, Jackie Johnson and John Doe.

8. S.O.H. is a Tennessee is a Tennessee barbecue competition and catering business with its principal place of business in Oakland, Fayette County, Tennessee, located at 175 Kylie Gayle Rd., Oakland, TN 38060. Upon information and belief, S.O.H. is owned, operated, maintained, funded and/or

managed by Defendants Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson, Jeffery Johnson, Jackie Johnson and John Doe.

9. XYZ Corporation is upon information and belief, a corporation, LLC, partnership, business venture and/or business enterprise which is owned, operated, maintained, funded and/or managed by Defendants Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson, Jeffery Johnson, Jackie Johnson and John Doe. Because of steps taken by the Defendants herein, the exact name of the corporation is presently unknown to the Plaintiff, but is known to these Defendants. Plaintiff has named XYZ Corporation as a Defendant herein so that when the Defendants are served with this complaint, they will be on notice of this action and the true name for XYZ Corporation can be substituted in compliance with TRCP 15.03.

10. John Doe is upon information and belief, an owner, operator, partner, manager, financial backer and/or employee of Defendants S.O.H. Vending and Catering and/or S.O.H. and Johnson Service and/or S.O.H. and/or XYZ Corporation. Plaintiff has named John Doe as a Defendant herein so that when the Defendants are served with this complaint, they will be on notice of this action and the true name for John Doe can be substituted in compliance with TRCP 15.03.

11. Plaintiffs serious and life altering injuries and damages arise in tort as a result of the negligent and reckless operation of a vehicle and trailer by Defendant Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson on April 26,

2016, in Fayette County, Tennessee, while he was on and about the business of Defendants. Plaintiffs' serious and life threatening injuries and damages are also due to the negligent ownership, maintenance, operation, use and/or care of a commercial trailer by Defendants.

12. Plaintiffs specifically allege that valid service of process has been issued and properly served on all of the Defendants herein.

FACTS

13. Defendants operate and conduct a vending, catering and competition Barbecue cooking operation.

14. At all relevant times, in furtherance of the vending, catering and competition barbecue cooking operation, the Defendants herein own, maintain, operate and use a truck and mobile barbecue cooking trailer. The mobile barbecue cooking kitchen is mounted onto a large commercial trailer and can be towed from location to location by the truck.

15. On or about April 26, 2016, Defendant Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson, while conducting the business of and in furtherance of the interests of Defendants was towing the mobile barbecue cooking trailer which is owned, operated, maintained, funded and/or managed by Defendants.

16. Defendant Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson

was towing the mobile barbecue cooking trailer in the area of Highway 194 and Highway 193 in Oakland, Fayette County, Tennessee.

17. Defendant Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson was negligently and recklessly towing the trailer with an unsecured spare tire resting on it.

18. Plaintiff, Kevin Anderson, was standing on the property of Macon Country Store, located at 8505 Highway 193 in Oakland, Tennessee.

19. As Defendant Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson turned north onto Highway 194, the unsecured tire fell off the trailer and began bouncing across the parking lot of the Macon Country Store.

20. The tire struck Plaintiff, Kevin Anderson, with enormous force and slammed his head onto the pavement.

21. Defendant Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson did not stop his vehicle, but instead continued north on Highway 194.

22. Leo Kimble, operator of the Macon Country Store, got into a vehicle and chased down Defendant Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson. Defendant Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson returned to the Macon Country Store.

23. The Fayette County Sheriff's Office arrived on the scene and investigated the incident.

24. Defendant Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson was ticketed for failure to secure a load in violation of T.C.A. 55-7-113.

25. Defendant Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson was found guilty of failing to secure his load on June 16, 2016, in violation of T.C.A. 55-7-113.

ACTS OF NEGLIGENCE AND RECKLESSNESS

26. Defendants are guilty of one or more of the following acts of common law negligence, each and every one of which is a direct and proximate cause of the injuries and damages complained of herein, to wit:

- a. Negligently failing to exercise that degree of care and caution as required of a reasonable, prudent person under the same or similar circumstances;
- b. Negligently maintaining the mobile barbecue cooking trailer;
- c. Negligently and recklessly storing an unsecured spare tire on the mobile barbecue cooking trailer;
- d. Negligently failing to inspect the mobile barbecue cooking trailer for dangerous conditions;
- e. Negligently failing to maintain proper control of the vehicle and trailer;

- f. Negligently failing to devote full time and attention to the operation of a vehicle, trailer and its contents;
- g. Negligently operating a motor vehicle at an excessive rate of speed under the circumstances existing at the time and place of the incident;
- h. Operating a vehicle in a reckless manner;
- i. Negligently or recklessly entrusting the mobile barbecue cooking trailer to Defendant Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson, knowing of his propensity to drive the trailer in a negligent and reckless manner;

27. Defendants are guilty of violating one or more of the following traffic ordinances of the City of Oakland, each and every such ordinance being in full force and effect at the time and place of the incident complained of, each and every such violation constituting a separate and distinct act of negligence per se, and each and every such act constituting a direct and proximate cause of the injuries and damages herein complained of, to-wit:

- a. Oakland Municipal Code 15-103 - Reckless driving;
- b. Oakland Municipal Code 15-301 - Speed Limits in general;
- c. Oakland Municipal Code 15-302 - Speed Limits at intersections;

- d. Oakland Municipal Code 15-401 - Turning Movements in general;

28. Defendants are guilty of violating one or more of the following Statutes of the State of Tennessee, each and every such statute being in full force and effect at the time and place of the collision complained of, each and every such violation constituting a separate and distinct act of negligence per se, and each and every such act constituting a direct and proximate cause of the injuries and damages, to wit:

- a. T.C.A. 55-8-136 – Drivers to exercise due care;
- b. T.C.A. 55-8-152 - Speed limits;
- c. T.C.A. 55-7-113 - Load securement;
- d. T.C.A. 55-7-109 - Hauling loose material;
- e. T.C.A. 55-10-205 - Reckless driving;
- f. T.C.A. 55-10-101 - Failure to stop at scene of accident;

29. The Plaintiffs specifically allege and aver that there are no other persons, businesses or entities, other than the Defendants named herein, who are responsible, either directly or indirectly, for the injuries and damages to the Plaintiffs herein.

INJURIES AND DAMAGES

30. Plaintiff, Kevin Anderson, as a direct and proximate result of one

or more of the above acts of recklessness and negligence suffered the following injuries and damages:

- a. Severe and permanent injury, either caused, precipitated and/or aggravated by the wrongs complained of, including but not limited to, permanent severe traumatic brain injury, right frontal intraparenchymal hemorrhage, right temporal intraparenchymal hemorrhage, respiratory failure requiring tracheostomy, dysphagia, abrasions, disfigurement and scarring of the head and face, permanent memory loss, permanent loss of cognitive function and headaches;
- b. Great fright and shock;
- c. Great physical pain both past and future;
- d. Great mental and emotion anguish both past and future;
- e. Large medical expenses both past and future;
- f. Inability to enjoy the normal pleasures of life, both past and future;
- g. Lost earning capacity, both past and future;
- h. Conscious pain and suffering.
- i. Lost wages, both past and future;

31. Plaintiff, Jamie Anderson, as a direct and proximate result of one or

more of the above acts of recklessness and negligence suffered the following injuries and damages:

- a. Loss of consortium, both past and future.

RELIEF SOUGHT

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Kevin Anderson, sues the Defendants Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson, Jeffery Johnson, Jackie Johnson and John Doe, each individually and jointly and severally d/b/a S.O.H. Vending and Catering and/or S.O.H. and Johnson Service and/or S.O.H. and/or XYZ Corporation, and S.O.H. Vending and Catering, S.O.H. and Johnson Service, S.O.H. and XYZ Corporation, for actual and compensatory damages in the sum of TEN MILLION DOLLARS (\$10,000,000.00).

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Jamie Anderson, sues the Defendants Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson, Jeffery Johnson, Jackie Johnson and John Doe, each individually and jointly and severally d/b/a S.O.H. Vending and Catering and/or S.O.H. and Johnson Service and/or S.O.H. and/or XYZ Corporation, for actual and compensatory damages in the sum of ONE MILLION DOLLARS (\$1,000,000.00).

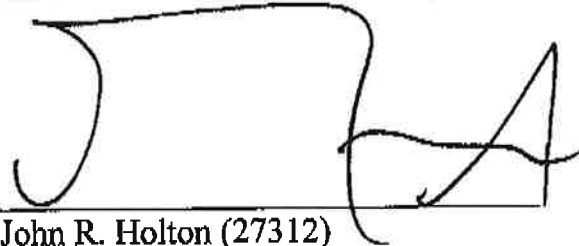
WHEREFORE, PREMISES CONSIDERED, Plaintiff, Kevin Anderson, sues the Defendants Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson, Jeffery Johnson, Jackie Johnson and John Doe, each individually and jointly and

severally d/b/a S.O.H. Vending and Catering and/or S.O.H. and Johnson Service and/or S.O.H. and/or XYZ Corporation, for punitive damages in the sum of FIFTEEN MILLION DOLLARS (\$15,000,000.00).

WHEREFORE, PREMISES CONSIDERED, Plaintiffs Kevin and Jamie Anderson, respectfully pray for damages as they may appear on the trial of this cause, reserving the right to amend this pleading to conform to the facts as they may develop, for costs and interest, for all such other general relief justified by the facts under the law or in equity and hereby respectfully request a trial by jury.

Respectfully submitted,

THE HOLTON LAW FIRM, PLLC

A handwritten signature in black ink, appearing to be 'J. R. Holton', written over a horizontal line.

John R. Holton (27312)
Timothy R. Holton
296 Washington Ave.
Memphis, TN 38103
(901) 523-2222

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|--|---|-------------------------|
| STATE OF TENNESSEE 16th JUDICIAL DISTRICT CIRCUIT COURT | <h1 style="margin: 0;">SUMMONS</h1> | CASE FILE NUMBER |
| PLAINTIFF | VS. | DEFENDANT |
| TO: (NAME & ADDRESS OF DEFENDANT) <p>List each defendant on a separate summons.</p> <p>YOU ARE HEREBY SUMMONED TO DEFEND A CIVIL ACTION FILED AGAINST YOU IN CIRCUIT COURT, RUTHERFORD COUNTY, TENNESSEE. YOUR DEFENSE MUST BE MADE WITHIN THIRTY (30) DAYS FROM THE DATE THIS SUMMONS IS SERVED UPON YOU. YOU ARE DIRECTED TO FILE YOUR DEFENSE WITH THE CLERK OF THE COURT AND SEND A COPY TO THE PLAINTIFF'S ATTORNEY AT THE ADDRESS LISTED BELOW. IF YOU FAIL TO DEFEND THIS ACTION BY THE ABOVE DATE, JUDGEMENT BY DEFAULT CAN BE RENDERED AGAINST YOU FOR THE RELIEF SOUGHT IN THE COMPLAINT.</p> | | |
| Attorney for plaintiff: (Name, address & telephone number) | DATE ISSUED & ATTESTED MELISSA HARRELL, Circuit Court Clerk By: _____ Deputy Clerk | |
| CERTIFICATION | | |
| I, MELISSA HARRELL, Clerk of the Circuit Court of Rutherford County, Tennessee, do certify this to be true and correct copy of the original summons issued in this cause. | | |
| BY: _____ DEPUTY CLERK | | |
| TO THE SHERIFF: Please execute this summons and make your return within thirty days of issuance as provided by law. | DATE RECEIVED Sheriff | |
| RETURN ON PERSONAL SERVICE OF SUMMONS | | |
| I hereby certify and return that I served this summons together with the complaint as follows: | | |
| DATE OF PERSONAL SERVICE: | Sheriff BY: | |

Submit three copies: service copy, defendant's copy, file copy.

ADA COORDINATOR (615-494-4480)

ACCEPTANCE OF SERVICE

I do hereby accept service of process and a copy of this complaint in this cause for all purposes.
 This the _____ day of _____, 20 _____.

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify and return that on the _____ day of _____, 20 _____, I sent, postage prepaid by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in case # _____ to the defendant _____, on the _____ day of _____, 20 _____. I received the return receipt, which has been signed by _____ on the _____ day of _____, 20 _____. The return receipt is attached to this original summons to be filed by the Clerk of Court.

Sworn to and subscribed before me this _____ day
 of _____, 20 _____.

Signature of plaintiff, plaintiff's attorney or other person
 authorized by statute to serve process

My Commission Expires: _____, 20 _____.

**NOTICE OF PERSONAL
PROPERTY EXEMPTION****TO THE DEFENDANT(S):**

Tennessee law provides a ten thousand dollar (\$10,000.00) debtor's equity interest personal property exemption from execution or seizure to satisfy judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. This list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

Mail list to: MELISSA HARRELL, Circuit Court Clerk
 Room 106, Judicial Center
 116 W. Lytle Street
 Murfreesboro, TN 37130

Please state file number on list.

ATTACH
 RETURN
 RECEIPT
 HERE
 (IF APPLICABLE)